

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TELEBRANDS CORPORATION,	)	CASE NO. 1:23-cv-631
	)	
Plaintiff,	)	JUDGE BRIDGET M. BRENNAN
	)	
v.	)	
	)	
WINSTON PRODUCTS, LLC,	)	<b>CASE MANAGEMENT ORDER</b>
	)	
Defendant.	)	

The Case Management Conference (“CMC”) in this matter was held on September 12, 2023. Attorneys David Cupar, Michael Zinna, and Vincent Ferraro were present on behalf of Plaintiff. Attorneys Nicholas Clifford and Jeffrey Sindelar, Jr. were present on behalf of Defendant.

The parties and counsel of record agreed to the following, and **IT IS SO ORDERED** that:

1. This case is assigned to the **complex** track.
2. Mediation to occur as soon as practicable after November 27, 2023, with a mutually agreed upon third-party neutral.
3. The parties **do not** consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

**4. Schedule Through Claim Construction Hearing**

<b>Date</b>	<b>Action</b>
9/29/23	Defendant’s Initial Non-Infringement Contentions (LPR 3.3) and Document Production Accompanying Initial Non-Infringement Contentions (LPR 3.4)

10/4/23	Electronically Stored Information. The parties will finalize an alternative agreement that sets out retention guidelines, search methodology, the format for production, and procedures for addressing attorney-work product or privileged information. As an attachment to the proposed order, the parties will file a comparison document setting out in detail where the proposed order deviates from Appendix K.
10/4/23	Protective Order. The parties will submit an alternative protective order for the Court's consideration. As an attachment to the proposed order, the parties will file a comparison document setting out in detail where the proposed order deviates from Appendix L.
11/3/23	Defendant's Invalidity and Unenforceability Contentions (LPR 3.5) and Document Production Accompanying Invalidity and Unenforceability Contentions (LPR 3.6)
11/6/23	Parties' Preliminary List of Proposed Claim Terms for Construction (LPR 4.1(a))
11/27/23	Plaintiff's Validity and Enforceability Contentions (LPR 3.7)
11/27/23	Parties' Final List of Proposed Claim Terms for Construction (LPR 4.1(c))
12/11/23	Parties' Preliminary Claim Constructions (LPR 4.2(a)) and Identification of Intrinsic and Extrinsic Evidence (LPR 4.2(b))
12/29/23	Parties' Identification of Claim Construction Expert Witness and Production of Claim Construction Expert Report and CV (LPR 4.3(a))
1/15/24	Parties' Identification of Rebuttal Claim Construction Expert Witness and Production of Rebuttal Claim Construction Expert Report and CV (LPR 4.3(b))
1/30/24	Parties' Completion of Claim Construction Expert Discovery (LPR 4.3(c))
2/5/24	Parties' Final Proposed Claim Constructions (LPR 4.2(c))

2/20/24	Parties' Opening Claim Construction Submissions (LPR 4.4(a))
3/21/24	Parties' Responding Claim Construction Submissions (LPR 4.4(b))
3/26/24	Parties' Joint Claim Construction and Prehearing Statement (LPR 4.5)
<b>4/22/24</b>	<b>Claim Construction Hearing set for 9:00 a.m. in Courtroom 15B (LPR 4.6)</b>

The Court will resolve the order of presentation, number of witnesses, and length of the Claim Construction Hearing at a later date.

A **telephonic status conference** with lead counsel (other counsel may choose to attend) will be held on November 30, 2023, at 9:00 a.m.

All parties are reminded of the need to adhere to all applicable rules of procedure and this Court's Initial Standing Order (Doc. No. 7).

**IT IS SO ORDERED.**

Date: September 13, 2023

  
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BRIDGET MEEHAN BRENNAN  
UNITED STATES DISTRICT JUDGE